

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NADIA BIGLARI,

Plaintiff,

v.

UNIVERSITY OF NEBRASKA LINCOLN, by
and through its Board of Regents; ERIC
DODDS, in his official capacity and
individual capacity; CHRISTOPHER
McCUNE, in his official capacity and
individual capacity,

Defendants.

Case No. 4:22-CV-3268

PARTIAL MOTION TO DISMISS

COME NOW Defendants, University of Nebraska Lincoln, by and through its Board of Regents (“BRUN”), Eric Dodds (“Dodds”) in his individual and official capacities, and Christopher McCune (“McCune”), in his official capacity, by and through their attorneys of record, and hereby move the Court pursuant to FED. R. CIV. P. 12(b)(1) and 12(b)(6) to dismiss, with prejudice, the following claims: (1) Title IX (count one), to the extent asserted against McCune, in his official capacity, and Dodds, in his individual and official capacities; (2) First Amendment, Retaliation (count two), to the extent asserted against BRUN, McCune, in his official capacity, and Dodds, in his individual and official capacities; (3) Equal Protection Clause of the Fourteenth Amendment (count three), to the extent asserted against BRUN, McCune, in his official capacity, and Dodds, in his individual and official capacities; (4) Intentional Infliction of Emotional Distress (count four), to the extent asserted against BRUN, Dodds, in both his individual and official capacities, and McCune, in his official capacity; and (5) Negligent Infliction of Emotional Distress (count five), to the extent asserted against BRUN, Dodds, in both his individual and official capacities, and McCune, in his official capacity. In support of their Motion, Defendants rely upon their Brief submitted contemporaneously herewith.

WHEREFORE, Defendants respectfully request the Court grant their Partial Motion to Dismiss Plaintiff's Amended Complaint as requested herein.

Dated this 21st day of April, 2023.

BOARD OF REGENTS OF THE
UNIVERSITY OF NEBRASKA, ERIC
DODDS, in his individual and official
capacity, Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties who have entered an appearance in this case as well as electronically transmitted.

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